

At a United States District Court
held in and for the Southern District,
500 Pearl Street, New York, New York
on this 12 day of January, 2023.

12

P R E S E N T :

HON. JOHN G. KOELTL, DISTRICT COURT JUDGE

RAYMOND VALENTINE, as Administrator of the
Goods, Chattels and Credits of ROBERT
VALENTINE,

Plaintiff,

-against-

ORDER
1:19-CV-3274 (JGK)

HEIDENBERG PROPERTIES, INC. and LAKE PLAZA
SHOPPING CENTER, LLC.,

Defendants.

Upon the sworn affidavit of Raymond Valentine, the plaintiff and administrator of the Estate of Robert Valentine, deceased, duly verified the 5th day of December, 2022, and the accounting sworn to on the 5th day of December, 2022, and the attorney affirmation of William J. Sanyer dated January 10, 2023, in which plaintiff administrator requests an Order approving of the settlement and, permitting plaintiff Raymond Valentine, as Administrator, to compromise and settle the cause of action for conscious pain and suffering of the decedent against defendants HEIDENBERG PROPERTIES, INC. and LAKE PLAZA SHOPPING CENTER, LLC. for the sum of \$75,000.00 dollars and a waiver of the worker's compensation lien of \$384,034.24 and to discharge and release said defendants HEIDENBERG PROPERTIES, INC. and LAKE PLAZA SHOPPING CENTER, LLC. from all suits and claims upon the payment of the said \$75,000.00

in settlement of the cause of action herein, and that the entire amount be allocated to the cause of action for the decedent's conscious pain and suffering, and to modify the Letters of Administration to permit said compromise, dispense with the filing of a bond, judicially settle the account of the Administrator, pay to David Horowitz, P.C, its attorney fee for services rendered and disbursements incurred as outlined therein; and

That more than eleven months having elapsed since the granting of the Letters of Administration to plaintiff administrator Raymond Valentine, and

That the plaintiff Administrator Raymond Valentine, having *submitted papers* appeared by his attorney William J. Sanyer, Esq, of the law firm of DAVID HOROWITZ, P.C., attorneys for plaintiff administrator Raymond Valentine; and

The Court having on January *12*, 2023, reviewed the settlement offer, reviewed the attorney affirmation, and reviewed the sworn affidavit to compromise the cause of action for conscious pain and suffering of the decedent and to judicially settle the account; and

The Court having examined the said account of plaintiff Administrator, and having found the state and condition of said account to be as set forth in the following statement:

SUMMARY STATEMENT OF THE SETTLEMENT PROCEEDS

The Administrator is charged
with the proceeds of the action
for conscious pain and suffering to
be distributed the amount of: \$75,000.00;

The Administrator is credited
with the following amounts: 0;

To: DAVID HOROWITZ, P.C. for legal fees and
Disbursements \$29,911.69;

To: Raymond Valentine, plaintiff, son and distributee \$45,088.31;

Total: \$75,000.00

And it appearing that the said plaintiff administrator has fully accounted for all monies and properties of the estate in said summary statement, that there is no workers compensation lien or other known liens or bills, and the administrator having waived any claim to funeral expenses and waived statutory commissions and the settlement to be satisfactory to the court, it is hereby,

ORDERED, ADJUDGED AND DECREED that the plaintiff administrator Raymond Valentine's application for leave to approve, compromise and settle the cause of action for conscious pain and suffering of the decedent Robert Valentine, is hereby granted; and it is further

ORDERED, ADJUDGED AND DECREED that the settlement sum in the amount of \$75,000.00 dollars payable by defendants HEIDENBERG PROPERTIES, INC. and LAKE PLAZA SHOPPING CENTER, LLC., be paid and distributed as follows:

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| To DAVID HOROWITZ, P.C., as fee for legal services as attorney for the plaintiff administrator: | \$25,000.00; |
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| To DAVID HOROWITZ, P.C., as reimbursement for disbursements as attorney for plaintiff administrator: | \$ 4,911.69; |
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| To Raymond Valentine, plaintiff, son and distributee | \$45,088.31; |
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and therefore it is further

ORDERED, ADJUDGED and DECREED that out of the settlement proceeds of \$75,000.00 dollars payable by defendants HEIDENBERG PROPERTIES, INC. and LAKE PLAZA SHOPPING CENTER, LLC., the sum of \$29,911.69 dollars be paid to the order of DAVID HOROWITZ, P.C., in payment of the legal fees and disbursements; and it is further

ORDERED, ADJUDGED and DECREED, that out of the settlement proceeds of \$75,000.00 dollars payable by defendants HEIDENBERG PROPERTIES, INC. and LAKE

PLAZA SHOPPING CENTER, LLC., the sum of \$45,088.31 dollars be paid to the order of

Raymond Valentine in full settlement of his share of the net Estate; and it is further

ORDERED, ADJUDGED and DECREED that upon the defendants' making payments as aforesaid, Raymond Valentine, as Administrator of the Estate of Robert Valentine, deceased, that Raymond Valentine discontinue with prejudice the cause of action pending against the defendants in this court; and it is further

ORDERED, ADJUDGED and DECREED that upon the defendants' making payments as aforesaid, Raymond Valentine, as Administrator of the Estate of Robert Valentine, deceased, be and he is hereby discharged from any and all further liability as to all matters and things embraced in the aforesaid account and determined by this Order; and it is further

ORDERED, ADJUDGED AND DECREED that the giving of a bond or other security in connection therewith be dispensed with, and that the restrictions on the Letters of Administration be modified to allow the above settlement; and it is further

ORDERED, ADJUDGED AND DECREED, that the account of Raymond Valentine, as plaintiff administrator, is hereby judicially settled.

SO ORDERED:


UNITED STATES DISTRICT JUDGE
HON. JOHN G. KOELTL

1/12/23